THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 32570 of 1998

Dated:12-08-2005

Between:

D.Srinivasa Rao S/o Narayana
H.No.3-126,Kompally(Via) Hakimpet, Secunderabad
R.R.District.

..... PETITIONER

AND

1 The Presiding Officer Labour Court-III,
Hyderabad.
2 The Depot Manager, APSRTC,
Hakimpet Bus Depot, R.R.District.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO.32570 OF 1998

ORDER:

This writ petition is filed by the workman being aggrieved by the Award made in I.D.No.623 of 1992 dated 4-11-1995 on the file of the Labour Court-III, Hyderabad, in sofar as the denial of back wages, while granting the relief of reinstatement with continuity of service and attendant benefits.

There is no necessity to go into all details. It is suffice to notice that the workman produced driving licence said to have been issued on 9-4-1981 (Ex.W.1) showing that the driving licence number is 234067/81 and valid from 30-05-1993 to 29-05-1998 (Ex.W.1), which does not contain endorsement “HMV”. So by entertaining a doubt, the same was referred to the Licencing Authority. The Licencing Authority informed the Divisional Manager, APSRTC, Koti,Hyderabad, that there is no record available to verify the driving licence No.234067/81. Even the evidence of MW.1 is same to that effect. Further, from 1989, they are utilizing computer with regard to entries for issuance of licence. MW.1 admits that the concerned records do not contain some of the pages. However, those registers were not brought to the court. Under those circumstances, the Labour Court held that the

dispute was only with regard to the “HMV” endorsement. The licence, itself was not in dispute. To prove that the licence is a forged one, the original records are not produced. In fact, at one stage, the respondent-management stated that the records are not available. If that is so, how they could have said that on verification of the computer, they found the said licence was issued in the name of some other person who is not known. Under those circumstances, the Labour Court has rightly come to the conclusion that the removal order passed by the respondent-management is liable to be set-aside and therefore, granted the relief of reinstatement with continuity of service and other attendant benefits. However, this writ petition is filed seeking further relief of back wages for the period the workman was kept out of service. I am of the opinion, that the Labour Court has not committed any error in not granting the relief of back wages while exercising powers under Section 11-A of the Industrial Disputes Act. It is purely discretion of the Labour Court, while taking into over all circumstances of the case. The writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

C.V.RAMULU,J

12-08-2005

Stp